



Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of : Bek et al.

Examiner: M. Peffley

Serial No. : 09/974,750

Group Art Unit: 3739

Filed : 10 October 2001

For : Systems and Methods for Monitoring and Controlling Use of Medical  
Devices

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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APR 29 2004  
TECHNOLOGICAL

Sir:

I, Patricia A. Limbach, Esq. (Registration Number 50,295), state that I am an attorney of record in the above identified patent application (which I will call the '750 Application).

I further state that Curon Medical, Inc. is the assignee of 100% interest in the invention claimed and described in Application Serial No. 10/219,798 (which is a divisional of Application Serial No. 09/574,704, now U.S. Patent No. 6,464,689) and the present '750 Application. The assignment of U.S. Application Serial No. 09/574,704 (the parent of Application Serial No. 10/219,798) by the inventors to Curon Medical, Inc. is recorded in the United States Patent Office on Reel/Frame 011239/0463. The assignment of the '750 Application by the inventors to Curon Medical, Inc. is recorded in the United States Patent Office on Reel/Frame 012890/0135. As a result, Application Serial No. 10/219,798 and the present '750 Application are commonly owned by Curon Medical, Inc.



With respect to claims granted in the '750 Application, Curon Medical, Inc. hereby disclaims the terminal part of any patent granted which would extend beyond the expiration date of the full statutory term of any U.S. patent granted on Application Serial No. 10/219,798.

Curon Medical, Inc. hereby agrees that any patent granted on the '750 Application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to any U.S. patent granted on Application Serial No. 10/219,798. This agreement shall run with any patent granted on the '750 Application and shall be binding upon the grantor, its successors, or assigns.

Curon Medical Inc. does not disclaim any terminal part of any patent granted on the '750 Application prior to the expiration date of the full statutory term of any U.S. patent granted on Application Serial No. 10/219,798 in the event that the patent granted on U.S. Application Serial No. 10/219,798 later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); (5) has all claims canceled by a reexamination certificate; or (6) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. 3.73(b), I hereby state that the evidentiary documents accompanying or referred to in this Terminal Disclaimer have been reviewed by the undersigned, and it is certified that to the best of the assignee Curon Medical, Inc's knowledge and belief, title is in the assignee. I also state that I am authorized by Curon Medical, Inc. to make this Terminal Disclaimer on its behalf.

Curon Medical, Inc.

By: *Patricia A. Limbach*  
Patricia A. Limbach, Esq.  
Registration Number 50,295  
Attorney of Record

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expiration date of the full statutory term of any U.S. patent granted on Application Serial No. 10/212,311.

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With respect to claims granted in the '750 Application, Curon Medical, Inc. hereby disclaims the terminal part of any patent granted which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,464,689.

Curon Medical, Inc. hereby agrees that any patent granted on the '750 Application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent 6,464,689. This agreement shall run with any patent granted on the '750 Application and shall be binding upon the grantor, its successors, or assigns.

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